

ORDINANCE NO. 10-21

ORDINANCE GRANTING A ZONING VARIANCE TO ALLOW A TOTAL OF 121 PARKING SPACES, COMPRISING 93 ON-SITE PARKING SPACES AND 28 ON-STREET PARKING SPACES, WHERE AT LEAST 172 PARKING SPACES ARE REQUIRED, OF WHICH 138 ON-SITE PARKING SPACES AND 34 ON-STREET PARKING SPACES ARE ALLOWED, FOR GOVERNMENT-OWNED ELDERLY AFFORDABLE HOUSING, CONTRA TO HIALEAH CODE § 98-2189(19)c. **PROPERTY LOCATED AT 525 WEST 1 AVENUE, HIALEAH, FLORIDA, 80 WEST 6 STREET FORMERLY KNOWN AS 591 WEST 1 AVENUE, HIALEAH, FLORIDA; 20 WEST 6 STREET, HIALEAH, FLORIDA AND THE VACANT LOT LOCATED AT 59 WEST 5 STREET, HIALEAH, FLORIDA.** REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 02-64 (SEPT. 16, 2002); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 24, 2010 recommended approval of the ordinance in substantial form with the rezoning request bifurcated from the parking variance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a total of 121 parking spaces comprising 93 on-site parking spaces and 28 on-street parking spaces, where at least 172 parking spaces are required, of which 138 on-site parking spaces and 34 on-street parking spaces are allowed, for government-owned elderly affordable housing, contra to Hialeah Code § 98-2189(19)c., which provides in pertinent part: “One and one-half parking spaces for each dwelling unit for the first 15 units counted and 1.20 parking spaces for each additional dwelling unit.” Properties

located at 525 West 1 Avenue, 80 West 6 Street, formerly known as 591 West 1 Avenue, 59 West 5 Street, and 20 West 6 Street, Hialeah, Miami-Dade County, Florida, zoned CBD (Central Business District) and legally described as follows:

THE WEST 75 FEET OF THE SOUTH 135 FEET OF TRACT 18, BLOCK 18, REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FORMERLY KNOWN AS LOT 18 AND THE WEST ½ OF LOT 17, BLOCK 18, TOWN OF HI-A-LE-AH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

LOT 16, BLOCK 18, TOWN OF HI-A-LE-AH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND THE EAST 25.00 FEET OF THE WEST 100.00 FEET OF THE SOUTH ½ OF TRACT 18 AND THE WEST 50.00 FEET OF THE EAST 150.00 FEET OF THE SOUTH ½ OF SAID TRACT 18, REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. Former property address: 59 West 5 Street, Hialeah, Florida 33010 now joined as one property site with 525 West 1 Avenue, Hialeah, Florida

AND

NORTH ½ OF TRACT 18, REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. Property address is 80 West 6 Street, Hialeah, Florida formerly known as 591 West 1 Avenue, Hialeah, Florida.

AND

THE NORTH ½ OF TRACTS 18 AND 18-A, REVISED PLAT OF BLOCK 18 OF THE TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH LOTS 7, 8, AND 9, BLOCK 18, TOWN OF HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. Property address: 20 West 6 Street, Hialeah, Florida 33010.

Section 2: The City of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Ordinance 02-64 (Sept. 16. 2002) in its entirety.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 23rd day of March, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:



Rafael E. Granado, City Clerk

Approved on this 26 day of March, 2010.


Carlos Hernandez
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez and Yedra voting "Yes", Councilmember Garcia-Martinez absent.